

LUD 09905230-NDH

Claim 97. The expression vector of claim 97, wherein said virus is vaccinia virus or adenovirus.

REMARKS

Claims 80-97 are pending, and replace elected claim 79.

Claim 79 referred to SEQ ID NOS: 4, 5, 8 and 15; however, SEQ ID NO: 5 is an amino acid sequence, and has been deleted from the claims.

The restriction between Group I (claims 1-8, 10-21, 27, 28 & 78) and Group XIII (claim 79) is traversed as not being based upon facts, and as being artificial and internally contradictory.

The subject matter of claim 79 de facto incorporates the subject matter of claims 1 et seq. For example, claim 79 covers nucleic acid molecules which have complements that hybridize to SEQ ID NOS: 4, 8, or 15 under stringent conditions. This scope de facto includes the subject matter of claims 1 et seq. How could examination of claim 79 not include the subject matter of, e.g., claim 1, 4, 5 or 6?

In view of the foregoing, reconsideration of the restriction requirement is believed proper and is urged.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.


Norman D. Hanson, Esq.
Registration No. 30,946